THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2268

JAN 21 2026

A BILL FOR AN ACT

RELATING TO EQUITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 489, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . UNIVERSAL CHANGING ACCOMMODATIONS

§489-A Definitions. As used in this part:

"New establishment" means a place of public accommodation or public entity construction that is constructed after July 31, 2027.

"Public entity" has the same meaning as defined in title 42 United States Code section 12131.

"Public entity construction" means any building construction project or program initiated by a public entity or that utilizes public entity funds.

"Restroom for public use" means a restroom for a place of public accommodation or public entity construction that is accessible to persons other than employees.

"Universal changing accommodation" means a powered, height-adjustable adult changing station that is either floor-or wall-mounted and installed within an enclosed restroom facility in a restroom for public use.

§489-B New establishments; criteria and application. A place of public accommodation or public entity construction shall be deemed to be constructed on either the:

(1) Date that a certificate of occupancy was issued; or

(2) First date of occupancy for public use;

whichever is earlier, regardless of whether the place of public accommodation or public entity construction has obtained a certificate of occupancy in compliance with applicable state law and county ordinances.

§489-C Universal changing accommodations; required. (a) On each floor containing restrooms for public use, each new establishment shall provide, at a minimum:

(1) Two universal changing accommodations for establishments utilizing gender-designated restrooms; provided that at least one is designated for or accessible by women and at least one is designated for or accessible by men; or

(2) One universal changing accommodation that is accessible to people of any gender identity or expression.

(b) Each new establishment shall conspicuously post signage indicating the location of each universal changing accommodation.

(c) A violation of this section shall constitute an unlawful discriminatory practice pursuant to this chapter.

§489-D Construction documents. Construction documents for each new establishment shall specify whether a restroom is a restroom for public use and the location of each universal changing accommodation within a restroom for public use pursuant to section 489-C.

§489-E Undue burden exemption. A new establishment shall not be subject to the provisions of this part if compliance would create an undue burden. Compliance shall be deemed to create an undue burden if:

(1) No reasonable physical option exists for providing universal changing accommodations; or

(2) The cost of providing universal changing accommodations exceeds ten per cent of the cost of

constructing, purchasing, or substantially modifying the new establishment.

§489-F Violations; unlawful discriminatory practice; private cause of action. (a) Any person who is injured by an unlawful discriminatory practice pursuant to this part may bring proceedings to enjoin the unlawful discriminatory practice. If the judgment is for the plaintiff, the plaintiff shall be awarded:

(1) Reasonable attorneys' fees;

(2) The cost of the suit; and

(3) The sum of $100.

(b) Any action under this part shall be subject to the jurisdiction of the district courts pursuant to chapter 604 and may be commenced and conducted in the small claims division of the district court.

§489-G Exclusion from civil rights commission. Notwithstanding any other law to the contrary, this part shall not be subject to chapter 368 or the jurisdiction of the civil rights commission."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____

S.B. NO. 2268

Report Title:
Equity; Universal Changing Accommodations; Public Accommodations; Public Entity Construction

Description:
Requires all places of public accommodation and public entity construction projects constructed after 7/31/2027 to provide universal changing accommodations that are equally accessible regardless of gender.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.